

**TENTATIVE RULINGS**

**CIVIL / FAMILY LAW CASE MANAGEMENT CALENDAR**

**For: 10/04/10 Monday Dept: 1A**

**(Posted 9/28/10)**

Tentative Rulings are proposed as orders to be issued at the hearing and are posted in advance for the convenience of the parties and their counsel. Any party objecting to the tentative ruling should promptly notify the opposing party of the substance of the objection with sufficient time to allow all parties, or their attorneys of record, to appear in person or by telephone at the scheduled hearing. Absent objection, the Court routinely adopts the tentative ruling as posted. Failures to appear, absent an order to appear, are deemed consent to the tentative ruling.

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1. **1:00 PM** Case: 10CF9106 [M] PORTFOLIO RECOVERY v SAN NICOLAS  
Type: COLLECTIONS Date Filed: 02/24/10  
Priority Info: RULE 3.740  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: PORTFOLIO RECOVERY ASSOCIATES LLC ATTY: PORTFOLIO RECOVERY ASSOCIATES  
DEFNDT: SAN NICOLAS, VERA M

Tentative Ruling: Plaintiff has not filed a proper proof of service as to all defendants. Plaintiff must file proof of service as to all defendants or file a declaration of good cause prior to the OSC re: Sanctions [CRC 3.740(e)] hearing in Department 1A at 1:00 PM on 2/7/11.

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2. **1:00 PM** Case: 10CF9368 [M] CITIBANK(SO DAKOTA) v CAMPBELL  
Type: COLLECTIONS Date Filed: 07/22/10  
Priority Info: RULE 3.740  
Event: CASE MANAGEMENT CONFERENCE-CIVIL

PLNTFF: CITIBANK (SOUTH DAKOTA) N.A. ATTY: HUNT & HENRIQUES  
DEFNDT: CAMPBELL, MICHELLE L ATTY: IN PRO PER  
Service Date/Type: 08/01/10 PER Answer Date: 09/01/10

Tentative Ruling: The case is At-Issue and is set for Trial in Dept. 2 approximately 120 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: ½ day court trial.

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3. **1:00 PM** Case: 10CV36479 [S] FRENCH v BARTON  
Type: MALPRACTICE - MEDICAL/DENTAL Date Filed: 02/26/10  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PLNTFF: FRENCH, JOHNNY ATTY: IN PRO PER  
DEFNDT: BARTON, PAUL MD ATTY: KROLOFF BELCHER SMART PERRY &  
Service Date/Type: 03/08/10 PER Answer Date: 04/06/10

Tentative Ruling: The case is At-Issue and mediation is recommended to the parties. A Trial Setting Conference is set in Dept. 1A at 1:00 PM on 3/7/11.

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4. 1:00 PM Case: 10CV36684 [S] SCIBELLI v CAMPER  
Type: P.I. MOTOR VEHICLE Date Filed: 05/13/10  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL  
Event: OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: SCIBELLI, RIKI ATTY: STAWICKI & MAPLES  
DEFNDT: CAMPER, ALAN R.  
DEFNDT: ELTRINGHAM, JASON A.  
Service Date/Type: 06/19/10 PER 00/00/00  
DEFNDT: MONTALVO, PAUL E.

Tentative Ruling: The plaintiff has not filed a proper Proof of Service as to all named defendants (Camper & Montalvo). Plaintiff must file a proper Proof of Service prior to the next hearing. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 3/7/11.

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5. 1:00 PM Case: CF8663 [M] THATCHER v TOWLE ET AL  
Type: BREACH OF CONTRACT Date Filed: 06/09/09  
Event: FURTHER CASE MANAGEMENT CONF-CIVIL

PLNTFF: THATCHER, RICHARD ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: TOWLE, MIKE  
Service Date/Type: 06/26/09 SUB 00/00/00  
DBA: CURB ALL LANDSCAPE  
DEFNDT: TOWLE, RACHEL  
Service Date/Type: 06/26/09 SUB 00/00/00  
DBA: CURB ALL LANDSCAPING

Tentative Ruling: This matter awaits entry of judgment. The matter is continued for further case management. If judgment enters in the interim, the following date will be vacated, Dept 1A at 1:00 PM on 2/7/11.

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6. 1:00 PM Case: CF8803 [M] RESORT AT LAKE TULLOCH VS. SANFILIPPO  
Type: UNLAWFUL DETAINER under \$25000 Date Filed: 08/26/09  
At-Issue Date: 09/18/09  
Priority Info: 170.6 DVM-CONSOLIDATED CF8803  
Event: FURTHER CASE MANAGEMENT CONFERENCE  
TO BE HEARD W/CV35992  
170.6 DVM

Related cases on this calendar: CV35992 ,  
PLNTFF: RESORT AT LAKE TULLOCH INC ATTY: PARR LAW GROUP  
DEFNDT: SANFILIPPO, DENNIS ATTY: FOLEY LAW OFFICES, KENNETH M.  
Service Date/Type: 09/03/09 PER Answer Date: 09/10/09

Tentative Ruling: This case is being heard with case CV35992 (#8 below). The next Case Management hearing shall be in Dept. 1A at 1:00PM on 2/7/11.

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7. 1:00 PM Case: CV34418 [S] CALAVERAS LUMBER v MOORE  
Type: BREACH OF CONTRACT Date Filed: 02/14/08  
Event: FURTHER CASE MANAGEMENT CONFERENCE  
Event: CONTINUED OSC RE: FILING COMPLIANCE  
\*VACATE IF ALL POS/ANSWERS ARE FILED\*

PLNTFF: CALAVERAS LUMBER COMPANY INC ATTY: AIROLA & AIROLA  
DEFNDT: MOORE, WALTER L  
DBA: MOORE CONSTRUCTION  
DEFNDT: MOORE, DAVID  
Service Date/Type: 06/09/08 PER 00/00/00  
DBA: MOORE CONSTRUCTION  
DEFNDT: MOORE, LINDA M  
DBA: MOORE CONSTRUCTION

Tentative Ruling: The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. Failure to file proof of service on all defendants or dismiss those unserved defendants will result in dismissal under CCP § 583.210. The CMC is set for Dept 1A at 1:00 PM on 4/4/11.

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8. 1:00 PM Case: CV35992 [S] SANFILIPPO v LAKE TULLOCH RESORT  
Type: INJUNCTION Date Filed: 08/21/09  
Priority Info: 170.6 DVM-;CONSOL W/CF8803  
Event: FURTHER CASE MANAGEMENT CONFERENCE  
170.6 DVM

Related cases on this calendar: CF8803 ,  
PLNTFF: SANFILIPPO, DENNIS ATTY: FOLEY LAW OFFICES, KENNETH M.  
DEFNDT: LAKE TULLOCH RESORT INC ATTY: PARR LAW GROUP  
DEFNDT: ABRAMSON, BERNADETTE ATTY: PARR LAW GROUP  
Service Date/Type: 08/21/09 PER 00/00/00  
DEFNDT: ABRAMSON, BERNADETTE  
AGENT: LAKE TULLOCH RESORT INC.

Tentative Ruling: The demurrer was overruled 2/23/10 and no answer or default has been filed. The matter is not At-Issue and is set for further Case Management. By the next CMC, unless all defendants have filed responsive pleadings, Plaintiff is ordered to file defaults or dismissals of all defendants. The CMC is set for Dept 1A at 1:00 PM on 2/7/11.

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9. 1:00 PM Case: CV36055 [S] HUDSON v HUDSON  
Type: BREACH OF CONTRACT Date Filed: 09/10/09  
Event: COURT'S MOTION TO DISMISS PER 3.1385

Related cases NOT on this calendar: CF7919 ,  
PLNTFF: HUDSON, LOUISE ATTY: THOMAS LAW OFFICES, RANDY E.

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

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10. **1:30 PM** Case: 10FL36463 [S] GILLESPIE v GILLESPIE  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 02/23/10  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: GILLESPIE, MICHAEL RICHARD ATTY: IN PRO PER  
RESP: GILLESPIE, LESLIE J ATTY: IN PRO PER  
Service Date/Type: 03/15/10 PER Answer Date: 04/16/10

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/7/11.

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11. **1:30 PM** Case: 10FL36706 [S] TAYLOR v TAYLOR  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/24/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: TAYLOR, BACLE G. ATTY: CHAVEZ-OCHOA LAW OFFICES INC.  
RESP: TAYLOR, JEANNE L. ATTY: TRIFILO, JOHN J. ESQ  
Service Date/Type: 05/24/10 PER Answer Date: 06/24/10

Tentative Ruling: There are temporary orders. Petitioner and Respondent are ordered to serve and file Preliminary Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/7/11.

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12. **1:30 PM** Case: 10FL36737 [S] MEDEIROS v MEDEIROS  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 06/02/10  
Event: CASE MANAGEMENT CONFERENCE-FAMILY LAW

PETNR: MEDEIROS, ANDREW NICHOLAS ATTY: IN PRO PER  
RESP: MEDEIROS, LORIE ANN

Tentative Ruling: The parties are not divorced. The petitioner has not filed a Proof of Service (FL-115) of the Summons and Petition with the court. The court cannot proceed with any orders until Proof of Service is filed. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/7/11.

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13. 1:30 PM Case: CV33700 [S] STACY v STACY  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 05/09/07  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: STACY, REBECCA ATTY: IN PRO PER  
J/PRTY: COUNTY OF TUOLUMNE  
RESP: STACY, CLEO J. ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 01/20/09

Tentative Ruling: It appears the parties have reconciled. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss based upon reconciliation of the parties in Dept. 1A at 1:30 PM on 12/13/10.

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14. 1:30 PM Case: CV35106 [S] STRINGHAM v STRINGHAM  
Type: LEGAL SEPARATION WITHOUT MINOR Date Filed: 09/26/08  
Event: FURTHER CASE MANAGEMENT CONF-FAMILY LAW

PETNR: STRINGHAM, MARIANA ATTY: WOOD, DARLENE D ESQ  
RESP: STRINGHAM, JACK ATTY: FOX LAW OFFICES, CATHERINE A.  
Service Date/Type: 10/28/08 PER Answer Date: 05/18/09

Tentative Ruling: Respondent is deceased. The court vacates all future court hearings and sets the matter for Court's Motion to Dismiss based upon death of the respondent prior to judgment in Dept. 1A at 1:30 PM on 2/7/11.

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15. 1:30 PM Case: CV35934 [S] PINIGIN v PINIGINA  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 07/31/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: PINIGIN, YURY A ATTY: IN PRO PER  
DEFNDT: PINIGINA, LARISA V  
Service Date/Type: 05/26/10 PER 00/00/00

Tentative Ruling: The parties are not divorced. Petitioner is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. This matter may be concluded by filing a Marital Settlement Agreement ("MSA") signed by the parties attached to the Judgment (FL-180). After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/7/11.

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16. 1:30 PM Case: CV36101 [S] WININGS v WININGS  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 09/30/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: WININGS, JOHN L ATTY: MARSHALL & MARSHALL  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
RESP: WININGS, NARA ATTY: YANKOVSKY, KRISTINE ESQ  
Service Date/Type: 10/08/09 PER Answer Date: 11/02/09

Tentative Ruling: There are temporary orders. Respondent is ordered to serve and file a Final Declaration of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 1/3/11.

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17. 1:30 PM Case: CV36209 [S] WILKINS v WILKINS  
Type: DISSOLUTION WITHOUT MINOR CHIL Date Filed: 11/03/09  
Event: FURTHER CASE MANAGEMENT CONFERENCE

PETNR: WILKINS, GLORIA L ATTY: AIROLA & AIROLA  
RESP: WILKINS, ROBERT B ATTY: IN PRO PER  
Service Date/Type: 11/20/09 PER Answer Date: 05/27/10

Tentative Ruling: Respondent is ordered to serve and file a Preliminary Declaration of Disclosure (FL-141) prior to the next hearing. Thereafter, Petitioner and Respondent are ordered to serve and file Final Declarations of Disclosure (FL-141) prior to the next hearing. After review of the file, the matter is set for a further Case Management Conference in Dept. 1A at 1:30 PM on 2/7/11.

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18. 1:30 PM Case: PR6694 [S] GUARD OF LOPES  
Type: GUARDIANSHIP OF A MINOR Date Filed: 08/03/05  
Event: TRIAL SETTING CONFERENCE  
08/19/11 0:00 TKM TICKLER: GUARDIANSHIP NOTICE; REPORT DUE  
ON 10/5/11

Related cases NOT on this calendar: CV29161 ,  
GDN: LOPES, RICK ATTY: IN PRO PER  
GDN: LOPES, DIANNE ATTY: IN PRO PER  
J/PRTY: COUNTY OF CALAVERAS D.A.: CENTRAL SIERRA CHILD SUPPORT  
MINOR: LOPES, JOSEPH P.D.: KEENE (P.D.), PATRICK M ESQ  
MOTHER: LOPES, JULEE ATTY: YOUNG.WARD ATTORNEYS

Tentative Ruling: The case is At-Issue and is set for Settlement Conference in Dept. 1A approximately 30 days out and for Trial in Dept. 1 approximately 45 days out. The clerk's office shall provide a pretrial order with dates and times. Estimated trial length: 1 day court trial.

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19. **2:00 PM** Case: CV32038 [S] JAMMER v JAMMER  
Type: LEGAL SEPARATION WITH MINOR CH Date Filed: 09/26/05  
Event: COURT'S MOTION TO DISMISS PER CRC 3.1385

PETNR: JAMMER, AVA ATTY: IN PRO PER  
RESP: JAMMER, TRAVIS ATTY: IN PRO PER  
Service Date/Type: 00/00/00 Answer Date: 10/24/05

Tentative Ruling: The matter was previously noticed and set for the court's motion to dismiss pursuant to Cal. Rules of Court 3.1385. No opposition to the motion has been filed and the matter is hereby ordered dismissed with prejudice.

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20. **2:30 PM** Case: 10PR7188 [S] ESTATE OF WIGHT  
Type: LTRS OF ADMIN; WWA; ATA/IAEA Date Filed: 08/12/10  
Priority Info: CONSOLIDATED W/7189/7190/7191  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

Related cases on this calendar: 10PR7189 , 10PR7190 , 10PR7191 ,  
PETNR: WIGHT, ROBERT HATFIELD JR. ATTY: HORVATH, ALAN R. ESQ  
CONTS: WIGHT, WALTER ATTY: RUNTE, JOHN A. ESQ  
DEC'D: WIGHT, JOANNE

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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21. **2:30 PM** Case: 10PR7189 [S] ESTATE OF WIGHT  
Type: LTRS OF ADMIN; WWA; ATA/IAEA Date Filed: 08/12/10  
Priority Info: CONSOLIDATED W/7188/7190/7191  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

Related cases on this calendar: 10PR7190 , 10PR7191 , 10PR7188 ,  
PETNR: WIGHT, ROBERT HATFIELD JR. ATTY: HORVATH, ALAN R. ESQ  
CONTS: WIGHT, WALTER ATTY: RUNTE, JOHN A. ESQ  
DEC'D: WIGHT, ROBERT HATFIELD SR.

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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22. **2:30 PM** Case: 10PR7190 [S] ESTATE OF WIGHT SR.  
Type: LTRS TESTAMENTARY - ATA/IAEA Date Filed: 08/13/10  
Priority Info: CONSOLIDATED W/7188/7189/7191  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

Related cases on this calendar: 10PR7191 ,  
PETNR: WIGHT, WALTER ATTY: RUNTE, JOHN A. ESQ  
DEC'D: WIGHT, ROBERT HATFIELD SR  
OBJTR: WIGHT, ROBERT HATFIELD JR ATTY: HORVATH, ALAN R. ESQ

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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23. 2:30 PM Case: 10PR7191 [S] ESTATE OF WIGHT  
Type: LTRS TESTAMENTARY - ATA/IAEA Date Filed: 08/13/10  
Priority Info: CONSOLIDATED W/7188/7189/7190  
Event: SETTLEMENT AND TRIAL SETTING CONFERENCE  
GRANT V. BARRETT, JUDGE PRO TEM

Related cases on this calendar: 10PR7190 ,  
PETNR: WIGHT, WALTER ATTY: RUNTE, JOHN A. ESQ  
DEC'D: WIGHT, JOANN  
AKA: WIGHT, JOANNE  
AKA: WIGHT, JO ANN  
AKA: WIGHT, JO ANNE

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.

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24. 2:30 PM Case: CV34943 [S] CAMDEN v CAMDEN  
Type: DISSOLUTION WITH MINOR CHILDRE Date Filed: 07/28/08  
Event: FURTHER SETTLEMENT CONFERENCE/  
TRIAL SETTING

Related cases NOT on this calendar: CV36237 ,  
PETNR: CAMDEN, JIM ATTY: BECHELLI LAW OFFICES, F. JOSE  
RESP: CAMDEN, CHRISTINA ATTY: MORRIS, KEITH V. ESQ.  
Service Date/Type: 09/02/08 PER Answer Date: 09/23/08

Tentative Ruling: There is no Tentative Ruling on this case. The parties, and their legal counsel if represented, are ordered to appear.